

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES
In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

VIA ECF

January 29, 2025

The Honorable Sarah Netburn, U.S. Magistrate Judge
Thurgood Marshall U.S. Courthouse, Room 430
40 Foley Square
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001, 03 MDL 1570 (GBD) (SN)*

Dear Judge Netburn:

Pursuant to the Court's Order of January 13, 2025, ECF No. 10664, the Plaintiffs' Executive Committees ("PECs") write to request that the Court add to the Court's agenda for the upcoming February 4, 2025 conference discussion of the issues addressed in the Court's January 13 Order.

The PECs are sensitive to and share the Court's concerns about preserving limited resources. However, the members of the 9/11 community, who are plaintiffs in this litigation, have genuine concerns that admitted violations of a court order and the whistleblower allegations in ECF No. 10416-1, which jeopardize the integrity of the Court's processes, remain unresolved. At the heart of these concerns is the fact that there has been no sworn testimony from any of the individuals involved in the events underlying those allegations. We believe that there is a simple solution to remedy these concerns while minimizing any burden on the Court.

At the February 4 conference, the PECs will propose that each of the persons who was physically present in the room at the Marks deposition, in whatever capacity, prepare a sworn individual witness statement which recounts what happened at the deposition and responds to the specific allegations contained in the letter docketed at ECF No. 10416-1. Declarations of this nature have been ordered by this Court previously. *See* ECF No. 7082. With the Court's direction and authorization, counsel for Plaintiffs would facilitate collection of the sworn statements from Messrs. Goldberg and Guzman. *See id.* at 2 (directing counsel for Saudi Arabia to facilitate declarations from non-parties). The PECs will also ask for the Court's authorization to review (with appropriate protections in place) the sealed materials submitted for the Court's review (ECF No. 10639) and the 10-page letter and hotline complaint described in ECF No. 10416-1.

Respectfully submitted,

MOTLEY RICE LLC

By: /s/ Robert T. Haefele
ROBERT T. HAEFELE
28 Bridgeside Boulevard
Mount Pleasant, SC 29465
Tel.: (843) 216-9184
Email: rhaefele@motleyrice.com
For the Plaintiffs' Executive Committees

cc: The Honorable George B. Daniels, via ECF
All Counsel of Record, via ECF